

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

UNITED STATES DISTRICT COURT

for the

Eastern District of Virginia

Alexandria Division

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

2021 JAN -5 P 3:40

RECEIVED

Tele, Jimi M.

Case No.

1:21-00011 LO-JFA
(to be filled in by the Clerk's Office)Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

X-Mode Social, Inc.
Anton, JoshuaDefendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Jimi M. Tele
Street Address	One gull cove
City and County	Brigantine, Atlantic
State and Zip Code	New Jersey, 08203
Telephone Number	5714225371
E-mail Address	jimimtele@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

Defendant No. 1

Name	X-Mode Social, Inc.
Job or Title <i>(if known)</i>	
Street Address	11955 Freedom Drive
City and County	Reston, Fairfax
State and Zip Code	Virginia, 20190
Telephone Number	5407518750
E-mail Address <i>(if known)</i>	hello@xmodesocial.com

Defendant No. 2

Name	Joshua Anton
Job or Title <i>(if known)</i>	CEO
Street Address	11955 Freedom Drive
City and County	Reston, Fairfax
State and Zip Code	Virginia, 20190
Telephone Number	(703) 994-2837
E-mail Address <i>(if known)</i>	josh@xmodesocial.com

Defendant No. 3

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name	X-Mode Social, Inc.
Street Address	11955 Freedom Drive
City and County	Reston, Fairfax
State and Zip Code	Virginia, 20190
Telephone Number	(540) 751-8750 or (703) 348-5341

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to *(check all that apply)*:



Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)



Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)



Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)



Other federal law *(specify the federal law)*:



Relevant state law *(specify, if known)*:

Breach of Contract Virginia Code Section 59.1-507.1



Relevant city or county law *(specify, if known)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☒ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☒ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☐ Other acts *(specify)*: _____

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

October 2018-June 28, 2019

C. I believe that defendant(s) *(check one)*:

- ☒ is/are still committing these acts against me.
- ☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☒ race African
- ☒ color Black
- ☐ gender/sex _____
- ☐ religion _____
- ☒ national origin British
- ☐ age *(year of birth)* _____ *(only when asserting a claim of age discrimination.)*
- ☐ disability or perceived disability *(specify disability)*
-

E. The facts of my case are as follows. Attach additional pages if needed.

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

Mr. Tele's supervisor illegally discriminated against him based on his race (African), in direct violation of 42 U.S.C. Section 1981. Left with no other option, Mr. Tele reported the discrimination, and in retaliation, X-Mode terminated his employment, in violation of 42 U.S.C. Section 1981. X-Mode further retaliated by failing to pay Mr. Tele the commissions he was owed. Please find attached the preliminary charge filed with the Equal Employment Opportunity Commission and the Right to Sue notice.

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)*

January 3, 2020

-
- B. The Equal Employment Opportunity Commission *(check one)*:

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on *(date)* October 8, 2020 .

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

☐

60 days or more have elapsed.

☐

less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

Commissions Owed- \$227,805.50

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: January 4, 2021

Signature of Plaintiff



Printed Name of Plaintiff

Jimi Tele**B. For Attorneys**

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

EEOC Form 181 (11/18)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: JImi Tele
950 Maine Avenue
Apt 1230
Washington, DC 20024

From: Washington Field Office
131 M Street, N.E.
Suite 4NW02F
Washington, DC 20507

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

570-2020-00858

Richard H. Kim,
Enforcement Supervisor

(202) 419-0794

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

On behalf of the Commission

Richard Kim

For

OCT 08 2020

Enclosures(s)

Mindy E. Weinstein,
Director

(Date Mailed)

cc:

Caitlin Barba
Human Resources Generalist
11855 Freedom Drive
Reston, VA 20190

Heidi Powell
THE SPIGGLE LAW FIRM
4830 31st Street S
Suite A
Arlington, VA 22206

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To: Agency(ies) Charge No(s): <div style="display: flex; align-items: center;"> <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 570-2620-00858 </div>	
Fairfax County Human Rights Commission and EEOC <small>State or local Agency, if any</small>			
Name (Indicate Mr., Ms., Mrs.) Jimi Tele		Home Phone (Incl. Area Code) (571) 422-5371	Date of Birth <div style="background-color: black; width: 100px; height: 20px;"></div>
Street Address 950 Maine Avenue, Apt. 1230		City, State and ZIP Code Washington, D.C. 20024	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name X-Mode Social, Inc.		No. Employees, Members 15+	Phone No. (Include Area Code) (703) 348-5341
Street Address 11955 Freedom Drive		City, State and ZIP Code Reston, VA 20190	
Name		No. Employees, Members 15+	Phone No. (Include Area Code)
Street Address		City, State and ZIP Code	
DISCRIMINATION BASED ON (Check appropriate box(es).) <div style="display: flex; flex-wrap: wrap; padding: 5px;"> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> RACE</div> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> COLOR</div> <div style="margin-right: 10px;"><input type="checkbox"/> SEX</div> <div style="margin-right: 10px;"><input type="checkbox"/> RELIGION</div> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> NATIONAL ORIGIN</div> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> RETALIATION</div> <div style="margin-right: 10px;"><input type="checkbox"/> AGE</div> <div style="margin-right: 10px;"><input type="checkbox"/> DISABILITY</div> <div style="margin-right: 10px;"><input type="checkbox"/> GENETIC INFORMATION</div> <div style="margin-right: 10px;"><input type="checkbox"/> OTHER (Specify)</div> </div>		DATE(S) DISCRIMINATION TOOK PLACE <div style="display: flex; justify-content: space-between;"> <div> Earliest October 2018 </div> <div> Latest June 28, 2019 </div> </div> <div style="text-align: center; margin-top: 10px;"> <input type="checkbox"/> CONTINUING ACTION </div>	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)). Please see attached.			
<div style="writing-mode: vertical-rl; transform: rotate(180deg);"> EEOC WASHINGTON FIELD OFFICE 2020 JAN -9 PM 12:50 131 M STREET, N.E. WASHINGTON, DC 20507 </div>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY -- When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT	
<div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div> 01/03/2020 Date </div> <div> Charging Party Signature </div> </div>		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE <small>(month, day, year)</small>	

Particulars for Jimi Tele - EEOC Charge of Discrimination

Mr. Tele began working at X-Mode Social, Inc., on September 12, 2017, as an independent contractor.¹ During his tenure, Mr. Tele's direct supervisor called him a "bitch ass nigger," and publicly announced Mr. Tele's Adderall prescription to Mr. Tele's colleagues. Mr. Tele's supervisor also referred to Mr. Tele as "my little minion," "daddy's favorite child," and told him, "daddy is here." Upon information and belief, Mr. Tele's supervisor was terminated by X-Mode because of his actions. In addition to the extremely racist commentary, Mr. Tele was also denied an increase in compensation, and work Visa support.

For the first three (3) months of his employment, Mr. Tele worked as an intern, and as the result of his excellent performance, he renegotiated his contract and was promoted to serve as a Senior Sales Consultant. In that capacity, Mr. Tele's primary duties and responsibilities included performing client acquisitions.

Importantly, Mr. Tele's compensation structure was based on his ability to meet a certain metric of users. Put simply, Mr. Tele was required to secure a certain number of users that contributed to the platform. Notably, Josh Anton, the CEO of X-Mode, directly told Mr. Tele that X-Mode would increase his compensation once he became an employee², rather than a 1099 contractor. The increase was geared to match the pay structure of other senior sales employees. During this time, Mr. Tele continued to outperform the rest of the senior supply sales team. While he was not formally an employee, Mr. Tele was required to report to meetings and perform the exact same duties as those classified as an employee.

During Mr. Tele's employment, TJ (Tyler) Wilson, a male Caucasian, was the Director of Sales and Mr. Tele's direct supervisor. In approximately October 2018, Mr. Wilson shockingly told Mr. Tele to "Shut the fuck up you bitch ass nigger," in front of Mr. Tele's colleagues. On another occasion, Mr. Wilson looked at Mr. Tele's desk and saw an Adderall prescription bottle. Then, Mr. Wilson stated loudly, "I see why you have been closing all these deals." Mr. Wilson did not stop there. He then

¹ Mr. Tele is a British citizen; however, he is legally residing in the United States on a student visa. His visa status prevented X-Mode from employing Mr. Tele directly.

² In 2018, the company agreed to sponsor Mr. Tele's green card because of his exceptional work performance. The first step in sponsoring his green card/citizenship was to complete and submit his employer sponsored H-1B Visa. As his OPT Student Visa was due to expire on July 15, 2018, X-Mode knew that Mr. Tele would be unable to remain with the company if it did not sponsor his work visa. However, X-Mode missed the deadline for filing Mr. Tele's H-1B Visa. Subsequently, X-Mode offered to help him obtain an EB1-1 Visa which was much more expensive than the H-1B Visa, but did not require employer sponsorship. However, X-Mode once again failed to provide timely information and Mr. Tele was required to independently apply for a non-employer sponsored business E-2 Visa. In an effort to make up for its failure to meet the initial H-1B Visa deadlines, X-Mode agreed to contribute money towards the cost of the E-2 Visa. Throughout Mr. Tele's tenure, X-Mode's representatives repeatedly assured Mr. Tele that the company would sponsor his green card, since this was the only method to hire Mr. Tele as a direct employee.

proceeded to mock Mr. Tele in front of his colleagues and stated, "I found Jimi's secret weapon." Further, throughout Mr. Tele's tenure with X-Mode, Mr. Wilson frequently sent multiple late-night text messages and made phone calls to Mr. Tele. The substance of these harassing communications was geared towards aggressively closing deals, in order for Mr. Wilson to meet his personal quota, as the Director of Sales.

Mr. Wilson also made other racially-charged remarks. In one instance, in front of Mr. Tele's colleagues, Mr. Wilson stated that, "I deserve to brand my name on your chest – a big TJ." In instances, Mr. Wilson stated that "I am comfortable with the [salary] gap between me and you, therefore I don't feel I should advocate for you," "you're like my favorite child," "daddy is here," and "you're my little minion."

In 2018, Mr. Tele did not report any of Mr. Wilson's racially discriminatory remarks, since X-Mode did not have a Human Resources department at the time. However, when a Human Resources department was created, Mr. Tele felt extremely uncomfortable reporting Mr. Wilson's illegal behavior, as Mr. Wilson was friendly with the HR personnel.

On March 27, 2019, Mr. Tele met with Mr. Anton outside the office. During this meeting, Mr. Anton and Mr. Tele discussed several topics. At the outset, Mr. Anton offered Mr. Tele approximately 20,000 advisory equity shares in X-Mode, and that he would increase the amount once Mr. Tele formally became an employee.³ Mr. Tele also took the opportunity to address the discrepancy in commission amounts that he had received for several months. In response, Mr. Anton told Mr. Tele that he could not complain about the incorrect commission amounts to Chris Ceresini, the Chief Financial Officer, ("CFO"), as Mr. Ceresini would then be forced to audit the books. Mr. Tele was told that Mr. Ceresini would become irritated and annoyed if asked to audit the books. Mr. Anton also told Mr. Tele "as a friend and not the CEO of X-Mode," that Mr. Tele should ask Mr. Ceresini to "make him an offer" on his owed commissions and advised that Mr. Tele take what he was offered. In essence, Mr. Anton was forcing Mr. Tele to handle the issue himself regarding commissions owed to him by the company. Additionally, Mr. Anton also promised to send Mr. Tele an email summarizing their conversation, but he never did.

On April 1, 2019, Mr. Tele emailed Mr. Ceresini to notify him of the incorrect commissions. During that time, he also called and sent a memorandum to the Chief Revenue Officer ("CRO"), Donnie Yancey, requesting an audit due to the incorrect commissions. Mr. Tele's requests were ignored.

On April 8, 2019, Mr. Tele contacted Mr. Wilson, via text message, to discuss Mr. Wilson's racist remarks. Mr. Wilson acknowledged Mr. Tele's concerns and told him that they would immediately discuss the issue in the office. On April 10, 2019, during a team meeting, Mr. Wilson

³ The share amount was the maximum amount of equity that a consultant or non-employee could hold in the company.

repeatedly asked Mr. Tele if he had any concerns to discuss. Mr. Tele, believing that Mr. Wilson wanted him to speak up concerning the racist remarks and hostile work environment, vocalized his concerns. Mr. Wilson then asked the sales team if anyone thought he was racist. One of Mr. Tele's colleagues, Saif Butt, acknowledged that Mr. Wilson made a racist comment toward Mr. Tele. Defensively, Mr. Wilson insisted that he was not racist and stated that he would do "anything to fix the situation."

Afterwards, Mr. Wilson approached Mr. Tele privately and asked how he could fix the issue. Due to the discomfort he felt while in the office, Mr. Tele requested to work remotely like the rest of his senior peers. Mr. Wilson stated that Mr. Tele's request was not realistic and that they needed to find a way to work together in the office. Astonishingly, Mr. Wilson instructed Mr. Tele not to go to HR himself because Mr. Wilson was going to contact HR and Mr. Anton directly. In an effort to intimidate Mr. Tele, Mr. Wilson further stated that Mr. Tele may face repercussions and potentially lose his job by reporting Mr. Wilson's racist comments. Mr. Wilson supported his claims by pointing to his tenure with X-Mode, and because X-Mode would then categorize Mr. Tele as "difficult."

Following their conversation, Mr. Wilson immediately reported his version of events to HR and Mr. Anton. Mr. Anton never afforded the same opportunity to Mr. Tele. Instead, Mr. Tele was called into HR Generalist, Caitlin Barba's office. At that time, Mr. Tele was informed that Mr. Wilson would be sent to Diversity Training. However, after Mr. Tele provided Ms. Barba with specific examples and direct quotes of the racist remarks, she recognized the severity of Mr. Wilson's illegal conduct. It became apparent that Mr. Wilson had not accurately represented the scope of his egregious behavior. Ms. Barba advised Mr. Tele that X-Mode would perform an investigation into Mr. Wilson's conduct.

During their meeting, Ms. Barba also discussed Mr. Tele's immigration paperwork. While he was assured that the immigration documentation would be handled promptly, X-Mode stopped responding to Mr. Tele's immigration attorney. Following the meeting, Mr. Tele followed up with an email to Ms. Barba summarizing the meeting. In response, Ms. Barba assured him that X-Mode took his allegations seriously. Thereafter, X-Mode terminated Mr. Wilson's employment, and allowed Mr. Tele to work remotely. Mr. Tele also began reporting to Mr. Yancey. After Mr. Wilson's termination, Mr. Anton stopped contacting Mr. Tele directly. Instead, he delegated other X-Mode personnel to speak with Mr. Tele on his behalf. Mr. Anton also helped the other team members with their clients but stopped assisting Mr. Tele after Mr. Wilson's termination.

On May 1, 2019, Mr. Tele did not receive his base pay and commissions in accordance with the terms of his contract. In fact, X-Mode failed to pay him until May 13, 2019. On May 14, 2019, Mr. Yancey responded to Mr. Tele's email to Mr. Ceresini dated April 1, 2019, regarding unpaid commissions. In the email, Mr. Yancey stated that this was the first time he had heard about Mr. Tele's unpaid commissions. As stated herein, that is wholly inaccurate, as Mr. Tele previously sent Mr. Yancey a separate email on the same date he sent Mr. Ceresini's email. Almost immediately after

sending Mr. Tele the email, Mr. Yancey called Mr. Tele and in an amplified and aggressive tone, told Mr. Tele that he was “getting too expensive,” and that he did not know if he could continue paying Mr. Tele. Then, Mr. Yancey stated that he understood why Mr. Wilson had issues with him, since he was now tasked with handling matters that he knew nothing about. Mr. Yancey also told Mr. Tele he would not have any more communications regarding his unpaid commissions. Put simply, X-Mode had a contract agreement with Mr. Tele to pay him a certain commission rate based on his performance, and is clearly in breach of contract.

On May 19, 2019, Laura Medina, Mr. Wilson’s girlfriend and a member of X-mode’s client success team, messaged Mr. Tele and advised him that Mr. Anton wanted Mr. Tele to introduce her to one of Mr. Tele’s clients. It was readily apparent to Mr. Tele that X-Mode was preparing to terminate his contract, and sought to secure Mr. Tele’s connections/clients to outsource to other X-Mode employees.

On June 2019, Mr. Tele was the *only employee* (based on conversations he had with colleagues) to be given a new lengthy contract titled “Sales Compensation Program.” This contract laid out a new fee structure. Further, X-Mode **backdated** the contract to January 1, 2019, with the contract ending on December 31, 2019. The contract contained a blank space under “new business quota,” although previous contracts Mr. Tele and other employees have included a pre-determined quota. In an effort to pressure Mr. Tele, Ms. Barba and Mr. Yancey told Mr. Tele to sign the Sales Compensation Program form as a necessity. Ms. Barba and Mr. Yancey gave him seven (7) hours to sign the contract and threatened to withhold his monthly paycheck if he did not. Then, Mr. Tele questioned the sense of urgency and the “clawback clause” contained therein. He was told by Mr. Yancey that contract was not a “big deal,” and Ms. Barba followed by stating that the document was for record-keeping purposes.

Further, Mr. Tele was intentionally excluded from a June 24, 2019 meeting where X-Mode offered the entire sales team “rate cards” (mandatory materials provided to aid the salespeople). It was around this time that Mr. Yancey began to pressure Mr. Tele to introduce him to Mr. Tele’s clients, saying he would assist him in closing his deals.

On the afternoon of June 27, 2019, Mr. Tele participated in a sales update call with Mr. Yancey. During the call, Mr. Tele received positive feedback from Mr. Yancey after stating that he had deals in the contract phase which were in line with predetermined goals. That evening, Mr. Yancey texted Mr. Tele and requested that they speak in the morning.

On June 28, 2019, Mr. Yancey called Mr. Tele at 8:30 a.m. and told him that he was “no longer needed at the company,” and that his contract was being terminated. Within 90 minutes, X-Mode locked Mr. Tele out of his business accounts. Additionally, Mr. Tele did not receive notice to collect his personal belongings from the office, nor did he receive a single warning or reason explaining his termination. Indeed, Mr. Tele was still the top performing sales consultant when X-Mode terminated his contract.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria DIVISION

TELE, JIMI M.

Plaintiff(s),

X-MODE ^{v.} SOCIAL, INC
ANTON, JOSHUA

Civil Action Number: _____

Defendant(s).

LOCAL RULE 83.1(M) CERTIFICATION

I declare under penalty of perjury that:

No attorney has prepared, or assisted in the preparation of Complaint for Employment
(Title of Document) Discrimination

JIMI M. TELE
Name of *Pro Se* Party (Print or Type)


Signature of *Pro Se* Party

Executed on: Jan 5, 2021 (Date)

OR

The following attorney(s) prepared or assisted me in preparation of _____.
(Title of Document)

(Name of Attorney)

(Address of Attorney)

(Telephone Number of Attorney)
Prepared, or assisted in the preparation of, this document

(Name of *Pro Se* Party (Print or Type)

Signature of *Pro Se* Party

Executed on: _____ (Date)